UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 August 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This Office action is responsive to Applicant's AMENDMENT AND RESPONSE,

filed August 2, 2007. Claims 1-21 are pending.

Claim Rejections - 35 USC § 103

2.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

3.   Claims 1-6, 8-13 and 15-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over European Publication 0 484 145 (Kochis) in view of U.S. Patent

6,487,611 (Brusky et al., hereinafter Brusky).

Regarding claim 1, Kochis discloses a method for selectively processing a fax job

using a multi-functional peripheral, the method comprising: initiating a fax request at a

computer device in communication with the multi-function peripheral (column 3, lines

31-58); wherein the fax job is constructed as a sequence of commands from a fax

description language (column 4, lines 35-38); and using the multi-functional peripheral

to process the fax job (column 4, line 39 – column 5, line 23).

Kochis does not expressly disclose a print subsystem having a print spooler for

spooling a fax job corresponding to the fax request through the print subsystem of the

computer device, or despooling the fax job to a printer port associated with the multi-

functional peripheral. Brusky discloses transmission of fax information from a host to a

multi-functional peripheral, wherein the host spools (stores) scanned fax information in

memory prior to transmitting the information to the peripheral for printing by a printer

(column 4, lines 44-53). Inherently, the spooled information is despooled (output from memory) prior to transmission. It is conventional for image data that has been scanned to be temporarily stored in a memory device prior to transmission to a peripheral device, and it would have been obvious for one of ordinary skill in the art to provide a memory for storing scanned image data, such as disclosed in Brusky, in the device taught in Kochis, so that any desired processing of the image data, such as editing, may be performed.

Regarding claim 2, Kochis discloses constructing the fax job (column 3, lines 31-58). As mentioned above, Brusky discloses despooling the fax job to a print processor (as mentioned above with respect to claim 1, the spooled information is inherently despooled (output from memory) prior to transmission). The information is scheduled to be sent to the multifunction peripheral after processing by a processor (column 4, lines 46-53).

Regarding claim 3, Kochis discloses performing the step for initiating a fax request by at least one of (i) a user and (ii) an application (column 3, lines 12-30).

Regarding claim 4, Brusky further discloses despooling the fax job to a print processor (as mentioned above with respect to claim 1, the spooled information is inherently despooled (output from memory) prior to transmission).

Regarding claim 5, Kochis further discloses recognizing the fax job as a fax request (column 5, line 47 – column 6, line 4).

Regarding claim 6, Kochis further discloses the step for initiating a fax request including at least one of: opening an electronic document; selecting one or more print

commands; selecting a multi-functional peripheral from a printer selection input dialog; and selecting one or more fax options (column 4, lines 10-27).

Regarding claims 8 and 9, Kochis further discloses a step for interpreting at least a portion the fax job at one of (i) a client computer device, (ii) a server computer device, and (iii) the multi-functional peripheral; wherein the step for interpreting at least a portion the fax job includes selectively performing processing relating to the fax job at one of (i) the client computer device, (ii) the server computer device, and (iii) the multi-functional peripheral (column 4, line 53 – column 5, line 3).

Regarding claims 10 and 11, Kochis further comprises, when the fax request is a request to receive information via facsimile at the multi-functional peripheral, at least one of the steps for: selecting a target multi-functional peripheral; selecting one or more fax options; initiating a fax retrieval; constructing the fax job; and interpreting one or more fax description language statements, and a step for executing the fax description language statements (column 4, line 39 – column 5, line 23).

Regarding claim 12, Kochis discloses a system configured to selectively exchange information via facsimile, the system comprising: a computer device that includes a print subsystem (column 3, lines 12-30); a multi-functional peripheral coupled to the computer device, wherein the multi-functional peripheral is configured to dynamically process a fax job that is configured to be spooled through the print subsystem, and wherein the fax job comprises a sequence of commands from a fax description language (column 3, lines 31-58; column 4, line 35 – column 5, line 23); and a fax request generated at the computer device, wherein the fax request corresponds to

the fax job, and wherein the fax request corresponds to one of: (i) transmitting

information via facsimile from the multi-functional peripheral; (ii) receiving information

via facsimile at the multi-functional peripheral; (iii) configuring the multi-functional

peripheral; and (iv) obtaining configuration or status information (column 3, lines 31-58).

Kochis does not expressly disclose the print subsystem including a print spooler,

or despooling the fax job to a printer port associated with the multi-functional peripheral.

As mentioned above with respect to claim 1, Brusky discloses transmission of fax

information from a host to a multi-functional peripheral, wherein the host spools (stores)

scanned fax information in memory prior to transmitting the information to the peripheral

for printing by a printer (column 4, lines 44-53). As mentioned above, the spooled

information is inherently despooled (output from memory) prior to transmission. It is

conventional for image data that has been scanned to be temporarily stored in a

memory device prior to transmission to a peripheral device, and it would have been

obvious for one of ordinary skill in the art to provide a memory for storing scanned

image data, such as disclosed in Brusky, in the device taught in Kochis, so that any

desired processing of the image data, such as editing, may be performed.

Regarding claim 13, Kochis further discloses a network, wherein the network

couples the computer device and the multi-functional peripheral (Fig. 2).

Regarding claims 15 and 16, Kochis further discloses a second multi-functional

peripheral coupled to the network (Fig. 2); and an interpreter coupled to and employed

by the multi-function peripheral that is configured to accept a page description language

for printing and the fax description language for faxing (column 4, lines 53-57), wherein

the interpreter is further configured to accept a scan description language for scanning

(column 4, lines 32-35 and 53-57).

Claims 17-20 recite a computer program product comprising computer readable

medium for providing computer program code means for performing the steps of above-

rejected claims 1, 2, 4 and 5, respectively. Kochis provides a disk 310 and memory 312

to store software for performing the above steps (column 4, lines 20-24 and 28-38).

4.   Claims 7 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kochis in view of Brusky as applied to claims 6 and 17 above, and further in view of

Applicant's admitted prior art.

Neither Kochis nor Brusky expressly disclose steps for: converting the document

to one or more graphics device interface commands; sending the graphics device

interface commands to a driver associated with the multi-functional peripheral; and

converting the graphics device interface commands to a fax format, as recited in claims

7 and 21. However, Applicant has disclosed in the specification, under Background and

Related Art, a technique allowing facsimile messages to be sent or received

electronically to/from a computing device. In this technique, document data is

converted into graphics device interface (GDI) data that is passed to a GDI fax driver,

which converts the GDI data into a format compatible with a fax device, and the fax data

is despooled to an MFP (Applicant's specification: page 3, line 19 – page 4, line 4). As

this technique was known in the art at the time of Applicant's invention, it would have

been obvious for one of ordinary skill in the art to provide this technique in the combined

teaching of Kochis and Brusky, so as to facilitate transmission of text and graphics

between a host computer and a multifunctional peripheral.

5.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kochis

in view of Brusky as applied to claim 13 above, and further in view of U.S. Patent

5,937,150 (Phan).

    Neither Kochis nor Brusky disclose a server coupled to the network, wherein the

computer device is a client computer device. Phan discloses a LAN, including a file

server, workstations and MFPs coupled to one another via network communications

lines (column 2, lines 40-51). A server connected to the network controls access to file

and disk resources on a network, and provides security and synchronization on the

network through a network operating system (column 2, lines 53-56). Therefore, it

would have been obvious for one of ordinary skill in the art to modify the combined

teachings of Kochis and Brusky by providing a server coupled to the network, so as to

provide storage of files that can easily be accessed by a user at a host computer for

transmission over the network to a recipient.

Response to Arguments

6.   Applicant's arguments filed in response to the rejection of claims 1-21 under

U.S.C. 103(a) as set forth in the prior Office action mailed May 7, 2007 have been fully

considered but they are not persuasive.

    Applicant asserts that the system taught by Kochis "does not correlate to

facsimile transmission of a scanned document (which is in a graphical image format by

nature), but instead relates to the facsimile transmission of a document in a much

smaller standard format, such as the textual ASCII format." (current amendment, page

13). It should be noted, however, that applicant's claims are not expressly directed to

the transmission of scanned documents. In any event, Kochis provides scanner

software 426 (Fig. 4).

Applicant asserts that Brusky does not teach the claimed spooling and

despooling steps, stating that the cited portion of Brusky "merely teaches storing a

scanned image into the computer's memory, altering the data, and sending the altered

data to a printer in order to make a copy." (current amendment, pages 13-14). Contrary

to Applicant's assertion, Brusky, as mentioned above with respect to claim 1, discloses

transmission of fax information from a host to a multi-functional peripheral, wherein the

host spools (stores) scanned fax information in memory prior to transmitting the

information to the peripheral for printing by a printer (column 4, lines 44-53). Inherently,

the spooled information is despooled (output from memory) prior to transmission.

Applicant asserts that Brusky clearly teaches away from the claimed invention.

Specifically, Applicant states that "Brusky teaches that an image is scanned by the

scanner (in the multifunction peripheral device 15), sent to memory in the computer host

device 16, and is then transferred to a modem 56 in the host device 16 for the

transmission over a communications network without being sent back to the

multifunction peripheral device," and thus Brusky teaches against "despooling the fax

job to a printer port associated with the multi-functional peripheral," for "the fax job is

never returned to the multifunction peripheral device." (current amendment, page 14,

emphasis by Applicant). Contrary to Applicant's assertion, Brusky clearly teaches

transmission back to the multifunctional peripheral device. Brusky, at column 4, lines

44-53, reads:

> "Once the preset parameters are obtained by host 15, the item to be copied is
> scanned by scanner 44, which is driven by the host 15, and stored in memory 54.
> Following storage of the data in memory 54, processor 52 performs any required
> data messaging such as that required by the preset parameters. It should be
> noted that host 15 may be utilized to set items or parameters in the peripheral 16
> prior to the scan. The massaged [sic] or altered data is then sent across
> communication link 17 to multifunction peripheral 16 for printing by printer 46."
> (emphasis added).

Applicant asserts that "one of ordinary skill in the art would not combine the

systems of Kochis and Brusky in the manner suggested by the Examiner, as one of

ordinary skill in the art would recognize that these systems are directed to different

purposes and are unrelated," stating that "Kochis is directed to a manner of transferring

a file from one location to another by facsimile for printing, and therefore teaches the

transmission of a non-scanned, non-graphical image format to the remote facsimile

device. ... As such, the file of Kochis is already in a textual, editable format, and is

edited at the time it is created and before it is sent by facsimile to the remote location for

printing. In contrast, Brusky teaches the transmission of a scanned document, which is

inherently in a graphical image format that has limited capability for editing." (current

amendment, pages 14-15. However, it should be noted, first, that Kochis provides

scanner software 426 (Fig. 4), and thus is clearly capable of transmission of scanned,

as well as non-scanned, image formats. Second, it should be noted that Kochis does

not expressly state that any images are editable, while Brusky clearly states that

scanned image data that is stored in memory "is manipulated according to the preset

parameters or any other parameters regarding the item or the transmission." (column 6, lines 22-25).

Applicant asserts that because the cited references fail to teach all claim limitations and that one of ordinary skill in the art would not be motivated to combine the cited references in the manner suggest by the Examiner, all of the claims are allowable (current amendment, pages 15-16). Contrary to Applicant's assertion, the claims are not allowable for the reasons set forth above.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
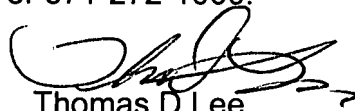
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (571) 272-

7436. The examiner can normally be reached on Monday-Friday, 7:30-5:00, alternate

Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas D Lee
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tdl
October 3, 2007